

Serial No. 10/617,146  
Docket No. GMC 0025 PA /40320.29/GP-302809

Remarks

Claims 1-61 are pending in the present application. Reexamination and reconsideration are requested in light of the accompanying remarks.

Under the heading "Claims Analysis," the examiner stated that a system is not a statutory category of invention. With respect to claims 36-61, the examiner has identified the statutory class as an apparatus. Applicants believe the catalyst systems could also be considered compositions. In any event, there is no requirement that a claim state which statutory category the invention falls. It just has to fall within one of them. Clearly the claimed catalyst systems do.

The rejection of claims 1-61 under 35 U.S.C. § 102(e) as being anticipated by Wagner (U.S. 2003/0186804 A1) is respectfully traversed. Wagner teaches a catalyst for use in a water-gas-shift reaction. The catalyst includes a Group VIII or IB metal, a transition metal promoter selected from the group consisting of rhenium, niobium, silver, manganese, vanadium, molybdenum, titanium, tungsten, and a combination thereof, and a ceria-based support. The support may further include gadolinium, samarium, zirconium, lithium, cesium, lanthanum, praseodymium, manganese, titanium, tungsten, or a combination thereof. Abstract.

Wagner does not teach "a promoter comprising at least one metal selected from yttrium, alkali metals, or alkaline earth metals," as claimed. Wagner's promoter is a transition metal selected from the group consisting of rhenium, niobium, silver, manganese, vanadium, molybdenum, titanium, tungsten, and a combination thereof. Abstract; paragraph [0011], lines 3-6; and paragraph [0019] lines 5-6, and 9-13.

According to the examiner, Wagner teaches "a promoter comprising alkaline earth metals/manganese (page 2, paragraph [0019], lines 9-13)." The cited paragraph teaches a transition metal promoter.

The *transition metal promoter* is selected from the group consisting of rhenium, niobium, silver, manganese, vanadium, molybdenum, titanium, tungsten, and a combination thereof, and is preferably present in the catalyst at a concentration of up to about 20 wt %.

None of the materials listed is an alkali metal or an alkaline earth metal.

Thus, Wagner does not teach "a promoter comprising at least one metal selected from yttrium, alkali metals, or alkaline earth metals," as claimed.

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Therefore, claims 1-61 are not anticipated by Wagner.

The provisional rejection of claims 1-61 on the ground of nonstatutory double patenting over claim 1, 5-8 and 12-15 of copending Application No. 10/803,799 has been overcome. A terminal disclaimer with respect to Application No. 10/803,799 accompanies this response.

#### CONCLUSION

Applicant respectfully submits that, in view of the above amendment and remarks, the application is now in condition for allowance. Applicant respectfully requests that claims 1-61 be passed to allowance.

If the Examiner has any questions or comments regarding the present application, he is invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,  
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